

REMARKS

Claims 1-14 are pending and have been examined in this application.

Applicant would like to thank the Examiner for the indication of allowable subject matter in claims 2, 5, 11 and 14. Applicant respectfully submits, however, that each of the pending claims is in condition for allowance.

The Office Action states that the information disclosure statement filed June 30, 2006, fails to comply with 37 C.F.R. 1.98(a)(2). Filed herewith is a legible copy of “A la carte Oshirase = Mega ga Mileage Card,” and a copy of the June 30, 2006 PTO/SB08 form. Consideration of this reference is respectfully requested.

Claims 1, 4, 6-10 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 20020198632 to Breed et al. in view of U.S. Publication No. 20020147693 to Banerjee et al. Claims 3 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Breed in view of Banerjee, and further in view of U.S. Publication No. 20020174077 to Yui et al. Applicant respectfully traverses these rejections.

Among the limitations of independent claim 1 which are neither disclosed nor suggested in the prior art of record is a mileage service system that includes “a converting unit for converting the distance calculated by said distance calculating unit to **mileage points**” (emphasis added). Similarly, among the limitations of independent claim 10 which are neither disclosed nor suggested in the prior art of record is a mileage service method that includes the step of “converting the distance calculated by said distance calculating unit to **mileage points**.”

As admitted on page 3 of the Office Action, Breed does not teach or suggest converting the distance calculated by the distance calculating unit to mileage points. The Office Action then cites Banerjee as teaching this limitation. Applicant respectfully disagrees.

Banerjee is directed to a system that keeps track of user fees associated with an amount of equipment usage. The system of Banerjee includes a controller 20 that converts a value received from the speed sensor 78 into miles per hour. This is nothing more than a simple speedometer. The speed, or miles per hour, of Banerjee's fitness device are not the same as or equivalent of the claimed mileage points. Mileage points in accordance with the claimed invention are point values based on a travel distance. Accordingly, Banerjee does not teach or suggest converting the distance calculated by the distance calculating unit to mileage points, as required by independent claims 1 and 10.

Yui does not remedy any of the deficiencies of Breed and/or Banerjee. Yui does not teach or suggest converting the distance calculated by the distance calculating unit to mileage points. Therefore, it is respectfully submitted that independent claims 1 and 10 patentably distinguish over the prior art of record.

Claims 2-9 depend either directly or indirectly from independent claim 1 and include all of the limitations found therein. Claims 11-14 depend directly from independent claim 10 and include all of the limitations found therein. Each of these dependent claims includes additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 2-9 and 11-14 are likewise patentable.

In view of the foregoing, favorable consideration and allowance of the present application with claims 1-14 is respectfully and earnestly solicited.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

/Richard LaCava/

By _____

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